

Remarks

Claims 1-9, 11-24, and 26-34 were pending in this application prior to this response. All pending claims were rejected. Claims 1, 3, 12, 16, 17, 19, and 31 have been amended herein. Claims 10, 14, 25, and 29 have been cancelled. New claims 32-34 have been added and do not add new matter to the application. Reconsideration of all rejected claims is requested.

I. Objection to the Specification

In the last response, the applicants amended the specification without including a statement that no new matter was added per 37 C.F.R. §1.125(b). According to the present office action, the amendment to the specification has been entered. Therefore, the applicants state that no new matter has been added to the application by way of any amendment to the specification or claims.

Based on the foregoing, the applicants contend that the objection to the specification has been overcome.

II. Rejection of Claims 1, 4-9, 11, 13, 15-17, 20-24, 26, 28, 30, 31, 33, and 34 Under 35 U.S.C. §102(b)

Claims 1, 4-9, 11, 13, 15-17, 20-24, 26, 28, 30, 31, 33, and 34 were rejected under 35 U.S.C. §102(b) as being unpatentable over Gurstein et al. (5,870,791).

CLAIM 1

Claim 1, as amended herein, is restated as follows:

A wood floor edger comprising:

a first housing comprising a first opening, a second opening, a third opening, and a rotatable abrasive disc located proximate said first opening, said rotatable abrasive disc having a diameter greater than six inches;

a motor at least partially located in said second opening and drivingly connected to said abrasive disc;

a fan located in said first housing, said fan being drivingly connected to said motor; and

an air path extending between said first opening and said third opening by way of said fan.

Gurstein does not disclose many of the elements of claim 1. For example, Gurstein does not disclose a third opening. Thus, Gurstein cannot disclose "an air path extending between said first opening and said third opening by way of said fan" as claimed in claim 1.

Based on the foregoing, the applicants contend that claim 1 is allowable and request reconsideration of the rejection.

CLAIMS 4-9, 11, AND 13

Claims 4-9, 11, AND 13 are deemed allowable by way of their dependence on claim 1 and for other reasons. Therefore, the applicants request reconsideration of the rejections.

CLAIM 15

Claim 15 is dependent on claim 1 and recites the following:

The wood floor edger of claim 1, and further comprising a second housing having a handle attached thereto.

Claim 15 is directed to the wood floor edger comprising a second housing wherein a handle is attached to the second housing. As shown in Figs. 2-4 of Gurstein, the handle (26) is connected to a housing (4) that contains a disc. Accordingly, the handle (26) of Gurstein is connected to a first housing and not a second housing as claimed in claim 15.

Based on the foregoing, the applicants request reconsideration of the rejection.

CLAIM 16

Claim 16 is dependent on claim 15 and recites the following:

The wood floor edger of claim 15, wherein said handle is located opposite said opening of said first housing.

Claim 16 is directed toward the handle being on the second housing and located opposite the first opening in the first housing. The handle (26) of Gurstein is attached to a first housing and is not located opposite the first opening as claimed in claim 16.

Based on the foregoing, the applicants request reconsideration of the rejection.

CLAIM 17

Claim 17, as amended herein, recites the following:

A wood floor edger comprising:

a first housing comprising a first opening, a second opening, a third opening, and a rotatable abrasive disc located adjacent said first opening;

a motor at least partially located in said second opening and drivingly connected to said abrasive disc;

a fan located in said first housing and proximate said third opening, said fan being drivingly connected to said motor;

an air path extending between said first opening and said third opening by way of said fan; and

a motor controller electrically connected to said motor;

wherein said motor is operatable at a speed that is preselected by said motor controller.

Claim 17 was rejected on the same grounds as claim 1. Therefore, the applicants incorporate the rebuttals to the rejections of claim 1 into this rebuttal. As set forth above, Gurstein does not disclose, among other elements of claim 17, a third opening. Likewise, Gurstein does not disclose "a fan located in said first housing and proximate said third opening" as claimed in claim 17. Thus, Gurstein cannot disclose "an air path extending between said first opening and said third opening by way of said fan" as claimed in claim 17.

Based on the foregoing, the applicants request reconsideration of the rejection.

CLAIMS 20-24, 26, 28, 33, and 34

Claims 20-24, 26, 28, 33, and 34 are deemed allowable by way of their dependence on claim 17 and for other reasons. Therefore, the applicants request reconsideration of the rejections.

CLAIM 30

Claim 30 is dependent on claim 17 and recites the following:

The wood floor edger of claim 17, and further comprising a second housing having a handle attached thereto.

Claim 30 is directed to the wood floor edger comprising a second housing wherein a handle is attached to the second housing. As shown in Figs. 2-4 of Gurstein, the handle (26) is connected to a housing (4) that contains a disc. Accordingly, the handle (26) of Gurstein is connected to a first housing and not a second housing as claimed in claim 30.

Based on the foregoing, the applicants request reconsideration of the rejection.

CLAIM 31

Claim 31 is dependent on claim 31 and recites the following:

The wood floor edger of claim 30, wherein said handle is located opposite said second opening of said first housing.

Claim 31 is directed toward the handle being on the second housing and located opposite the first opening in the first housing. The handle (26) of Gurstein is attached to a first housing and is not located opposite the first opening as claimed in claim 31.

Based on the foregoing, the applicants request reconsideration of the rejection.

III. Rejection of Claims 2-8, 18-23, and 32 Under 35 U.S.C. §103(a)

Claims 2-8, 18-23, and 32 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gurstein et al. (5,870,791) in view of McCutchen (6,540,598).

Claims 2-8, 18-23, and 32 are dependent on allowable base claims and are deemed allowable by way of their dependence and for other reasons. The applicants request reconsideration of the rejections.

IV. Rejection of Claims 12, 14, 27, and 29 Under 35 U.S.C. §103(a)

Claims 12, 14, 27, and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gurstein et al. (5,870,791) either alone or in view of McCutchen (6,540,598), and further in view of anyone of Barous, Palushi, or Stewart.


Claims 12, 14, 27, and 29 are dependent on allowable base claims and are deemed allowable by way of their dependence and for other reasons. The applicants request reconsideration of the rejections.

In view of the above, all of the pending claims are now believed to be in condition for allowance and a notice to that effect is earnestly solicited.

Respectfully submitted,
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